



CONSENT ITEM

MEMORANDUM

To: PLANNING COMMISSION

Date: December 12, 2006

From: COMMUNITY DEVELOPMENT DEPARTMENT

**Subject: DEVELOPMENT SCHEDULE FOR MEASURE C APPLICATION,
MMC-04-05: DEL MONTE - GIOVANNI**

REQUEST

The applicant is requesting approval of a development schedule for a six-unit multi-family residential development.

RECOMMENDATION

Application, DA-05-09: Adopt resolution approving development schedule

Processing Deadline: May 6, 2007

BACKGROUND/PROJECT DESCRIPTION

The project was awarded six building allotments through the Micro Category of the RDCS for Fiscal Year 2006-07. The applicant proposes to build six modified setback dwellings on an approximate one acre site in a R2(3,500) zoning district. The site is located on the east side of Del Monte Avenue, approximately 80 feet north of Christine Lynn Drive.

CASE ANALYSIS

In accordance with Planning Commission Policy PCP-06-01 (effective October 25, 2006), only the commence construction deadline for Measure C projects will be contained in the project development agreement. The remaining development deadlines will now be approved separately by Planning Commission Resolution on consent calendar. The applicant is requesting approval of the development schedule for the Milano project, a six unit multi-family project. Approval of a development schedule is required to ensure compliance with the statutory deadlines of the RDCS.

RECOMMENDATION

Staff recommends approval of the project development schedule as attached.

Attachments:

1. Approval Resolution (development schedule)
2. Site Plan

RESOLUTION NO. 06- (development schedule)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING A
DEVELOPMENT SCHEDULE FOR APPLICATION
MMC-04-05: DEL MONTE - GIOVANNI (APN 764-12-
025)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded six building allotments for application MMC-04-05: Del Monte - Giovanni; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDSCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDSCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, the development schedule for application MMC-04-05: Del Monte - Giovanni was considered by the Planning Commission at their regular meeting of December 12, 2006, at which time the Planning Commission approved the development schedule.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Development Schedule for MMC-04-05: Del Monte - Giovanni attached to this Resolution as Exhibit A.

**PASSED AND ADOPTED THIS 12TH DAY OF DECEMBER 2006, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

**DEVELOPMENT SCHEDULE MMC-04-05: DEL MONTE - GIOVANNI
FY 2006-07 (6 allocations)**

I.	SUBDIVISION AND ZONING APPLICATIONS	
	Subdivision Application Filed:	08-18-2005
	Zoning Amendment Application Filed:	06-30-2006
II.	SITE REVIEW APPLICATION	
	Application Filed:	09-14-2006
III.	FINAL MAP SUBMITTAL	
	Map, Improvements Agreement and Bonds:	01-31-2007
IV.	BUILDING PERMIT SUBMITTAL	
	Submit plans to Building Division for plan check:	03-02-2007
V.	BUILDING PERMITS	
	Obtain Building Permits:	05-31-2007
	Commence Construction:	06-30-2007

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit six (6) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

APN 764-12-024
WW OVERLAND PLAZA, LLC



APN 764-12-001
ALONZO / HERRMAN

APN 764-12-004
NORTHWIND PROPERTIES, LTD

DEL MONTE AVENUE

CHRISTINE
LYNN
DRIVE

DpC
DEVELOPMENT
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DATE: 4/06 DRAWN: TH CHECKED: WJM

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